

Sentence Review Division
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SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA

STATE OF MONTANA,)	Cause No. DC-03-014
)	
Plaintiff,)	Flathead County District Court
)	Montana Eleventh Judicial District
-vs-)	
)	DECISION
TROY ALLEN MCGARVEY,)	
)	
Defendant.)	

On January 8, 2004, the District Court sentenced the Defendant as follows: for Count I: Deliberate Homicide, a term of one hundred (100) years to the Montana State Prison and a consecutive term of ten (10) years at the Montana State Prison for the Use of a Weapon in the Commission of the Offense of Deliberate Homicide. For Count II: Deliberate Homicide, a term of one hundred (100) years to the Montana State Prison, and a consecutive term of ten (10) years at the Montana State Prison, for the Use of a Weapon in the Commission of the Offense of Deliberate Homicide. Counts I and II were ordered to run concurrently with each other for a net effect of one hundred and ten (110) years at the state prison. The Court granted the Defendant 610 days of time served while in custody pending final disposition in the matter.

On November 7, 2019, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division"). The Defendant was present and was represented by Wendy Holton, Attorney at Law. The State was not represented. Also present for the hearing were the Defendant's sister, Kitty Wines, and cousin, Doug Solomon, who both gave statements. The Defendant's brother, Robert Broughton, and sister, Julia Solomon, also attended the hearing.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

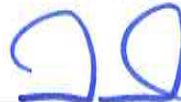
Done in open Court this 7th day of November, 2019.

DATED this 11th day of December, 2019.

SENTENCE REVIEW DIVISION



Hon. Brenda Gilbert, Chairperson



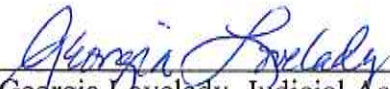
Hon. Dan Wilson, Member



Hon. Luke Berger, Member

Copies mailed this 13th day
of December, 2019, to:

Clerk of District Court (Original)
Troy Allen McGarvey #2002857, Defendant (2)
Hon. Heidi Ulbricht
Wendy Holton, Defense Counsel
Travis Ahner, Esq.
Board of Pardons and Parole
MSP - Records Dept.



Georgia Lovelady, Judicial Assistant
Sentence Review Division